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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,217	01/25/2001	Georges Wakil	27950-00386USPT	5804

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,217

Applicant(s)

WAKIL ET AL.

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being unpatentable by Espejo et al (6748066).
3. Regarding claim 1 Espejo et al teaches a method, comprising the steps of (figs. 1-9):

receiving a call dialed from a calling cellular mobile station having a post-paid subscription to a toll free telephone number recognized in a supporting cellular communications network as being associated with a prepaid service (col.5, line 57-col. 6, line 9, col. 7, lines 1-10);

responding to a receipt of the call from the post paid-subscription mobile station at the toll free number, triggering supporting cellular network calculation of a permitted prepaid use time for user communications effectuated through the post paid subscription mobile station (col. 5, line 57-col. 6, line 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41);

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through connecting the post paid subscription cellular mobile station to a user called destination to establish a call connection (col. 5, line 57-col. 6, line 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-5); and

monitoring a duration of the established call connection against the calculated permitted use time (col. 5, line 57-col. 6, line 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 2 Espejo et al teaches detecting that the monitored duration has at least met the calculated permitted prepaid use time, terminating the established call connection; and charging a fee for the utilized permitted prepaid use time against a prepaid account instead of against the mobile station subscription (col. 5, lines 57-col. 6, line 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 3 Espejo et al teaches determining prior to the step of through connecting a method of payment for the call; and applying the fee against the determined method of payment (col. 5, line 57-col. 6, line 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 4 Espejo et al teaches detecting a user termination of the established call connection prior to the expiration of the permitted prepaid use time; calculating an elapsed use time; and charging a fee for the calculated elapsed use time against a prepaid account instead of against the mobile station subscription (col. 5, line 57-col. 6, line 9, col. 7, lines 1-20, col. 9, line 25-65, col. 15, line 25-41, col. 14, lines 20-35).

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Regarding claim 5 Espejo et al teaches determining prior to the step of through connecting a method of payment for the call; and applying the fee against the determined method of payment (col. 5, line 57-col. 6, line 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 6 Espejo et al teaches a method, comprising the steps of (figs. 1-9):

receiving a call origination from a mobile station having a post-paid subscription, the call origination dialed to a first telephone number associated with a prepaid service (col. 5, line 57-col. 6, line 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41);

triggering at a serving mobile switching center responsive to the received call origination and the dialed first telephone number the execution of an incoming message coordination feature (col. 7, lines 1-44);

collecting within the execution of the incoming message coordination feature a second telephone number identifying a called party and information concerning a prepaid method of payment for the call (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35);

determining within a payment system of the supporting cellular network the calculation of a permitted use time for user communications effectuated through the mobile station and with the called party (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35);

sending of a location request message including the first telephone number from the serving mobile switching center to a home location register that stores the prepaid

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subscription (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-44, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35);

recognizing at the home location register that the location request message concerns a prepaid subscription and querying the payment system to retrieve the second telephone number and the permitted use time (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-44, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35);

communicating the second telephone number and the permitted use time from the home location register to the serving mobile switching center (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35);

through connecting the mobile station to the called party to establish a call connection; and monitoring a duration of the established call connection against the calculated permitted use time (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 7 Espejo et al teaches detecting that the monitored duration has at least met the calculated permitted use time; terminating the established call connection; and charging a fee for the utilized permitted use time (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 8 Espejo et al teaches the fee against the identified prepaid method of payment instead of against the paid subscription for the mobile station (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

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Regarding claim 9 Espejo et al teaches detecting a user termination of the established call connection prior to the expiration of the permitted use time; calculating an elapsed use time; and charging a fee for the calculated elapsed use time (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35).

Regarding claim 10 Espejo et al teaches applying the fee against the identified prepaid method of payment instead of against the paid subscription for the mobile station (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35).

Regarding claim 11 Espejo et al teaches wherein the first telephone number comprises a toll free number (col. 7, lines 1-10).

Regarding claim 12 Espejo et al teaches a wireless cellular system, comprising (figs. 1-9):

a mobile switching center receiving a call origination from a mobile station having a post paid subscription, wherein the call origination is dialed to a first telephone number associated with a prepaid service, and triggering the execution of an incoming message coordination feature (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35);

an interactive voice response system connected to the mobile switching center and activated by the incoming message coordination feature to collect from the mobile station a second telephone number identifying a called party and information concerning

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a prepaid method of payment for the call (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35);

a payment system connected to the interactive voice response system and operable to calculate a permitted use time for user communications effectuated through the mobile station and with the called party (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35); and

a home location register connected to the mobile switching center and the payment system and operating to store the prepaid subscription associated with the first telephone number (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-29, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35);

wherein the mobile switching center pre-routes a call to the first telephone number to the home location register (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35);

wherein the home location register recognizes that the pre-routing concerns the first telephone number prepaid subscription and queries the payment system to retrieve the second telephone number and the permitted use time for delivery to the mobile switching center (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35); and

wherein the mobile switching center through connects the mobile station to the called party to establish a call connection, and monitors a duration of the established call connection against the calculated permitted use time (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35).

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Regarding claim 13 Espejo et al teaches wherein the mobile switching center further detects that the monitored duration has at least met the calculated permitted use time and terminates the established call connection (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 14 Espejo et al teaches wherein the payment system charges a fee for the utilized permitted use time against the identified prepaid method of payment instead of against the mobile station subscription (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 15 Espejo et al teaches wherein the mobile switching center further detects a user termination of the established call connection prior to the expiration of the permitted use time and calculates an elapsed use time (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 16 Espejo et al teaches wherein the payment system charges a fee for the calculated elapsed use time against the identified prepaid method of payment instead of against the mobile station subscription (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 17 Espejo et al teaches wherein the first telephone number comprises a toll free telephone number (col. 7, lines 1-10).

Regarding claim 18 Espejo et al teaches a prepaid service system, comprising (figs. 1-9):

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a calling mobile station having a post paid subscription and operable to transceiver use communications over a wireless cellular air interface (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35); and

a supporting cellular communications network operating to calculate a permitted duration for prepaid user communications effectuated through the calling mobile station and monitor a call connection to ensure the call does not exceed the calculated permitted duration (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35); and

a switching node connected to the base transceiver station and the means for calculating a permitted duration (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35);

wherein the switching node operates to trigger, responsive to mobile station dialing of a certain prepaid subscription telephone number other than a destination telephone number for a prepaid call, an operation within the supporting cellular communications network to calculate the permitted use time for user communications effectuated through that mobile station (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41, col. 14, lines 20-35).

Regarding claim 19 Espejo et al teaches wherein the supporting cellular communications network further comprises a base transceiver station for communicating with the mobile station over the wireless cellular air interface (col. 5,

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lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35).

Regarding claim 20 Espejo et al teaches further including means within the supporting cellular communications network for collecting prepaid call payment information from the mobile station user (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35).

Regarding claim 21 Espejo et al teaches wherein the means for collecting comprises an interactive voice response system activated responsive to the mobile station call to the prepaid subscription telephone number and operating to query the user for the call payment information (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35).

Regarding claim 22 Espejo et al teaches wherein the means for calculating determines the permitted use time based on the collected call payment information (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35).

Regarding claim 23 Espejo et al teaches wherein charges for the call are applied against an account identified by the prepaid call payment information instead of against the mobile station subscription (col. 5, lines 57-col. 6, lines 9, col. 7, lines 1-20, col. 9, lines 25-65, col. 15, lines 25-41,col. 14, lines 20-35).

Regarding claim 24 Espejo et al teaches wherein the prepaid subscription telephone number comprises a toll free number (col. 7, lines 1-16).

Response to Arguments

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
12/16/04